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Attorney for Defendant
MICHAEL STEVENS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL STEVENS,

Defendant(s).

Cr. S-04-289 WBS

**STIPULATION AND [PROPOSED]
ORDER RE: CONTINUANCE OF
STATUS CONFERENCE AND
EXCLUSION OF TIME UNDER
SPEEDY TRIAL ACT**

Hon. William B. Shubb

STIPULATION

Plaintiff, United States of America, by and through its counsel, Assistant United States Attorney Matthew Segal, and defendant Michael Stevens, by and through his counsel, Hayes H. Gable III, agree and stipulate to vacate the existing status conference in the above-captioned action, May 11, 2005, and to continue the matter to, June 15, 2005, at 9:00 a.m.

The reason for this continuance is that the government is in possession of information which requires further investigation. The parties are not in a position to resolve this case until it is determined what benefit the defendant may receive as a result of the provided information. Further, defense counsel requires additional time to obtain and review court documents relating to the defendant's prior record to determine whether he is a career criminal.

The parties further agree and stipulate that the period for the filing of this stipulation until June 15, 2005, should be excluded in computing time for commencement of trial under the Speedy

1 Trial Act, based upon the interest of justice under 18 U.S.C. § 3161(h)(8)(B)(iv) and Local Code T4,
2 to allow continuity of counsel and to allow reasonable time necessary for .effective presentation.

3 It is further agreed and stipulated that the need of defense counsel to prepare exceeds the
4 public's interest in commencing trial within 70 days.

5 Accordingly, the parties respectfully request the Court adopt this proposed stipulation.

6
7 IT IS SO STIPULATED

8 DATE: May 10, 2005

9 s/Hayes H. Gable, III
10 **HAYES H. GABLE, III**
Attorney for Defendant

11 DATE: May 10, 2005

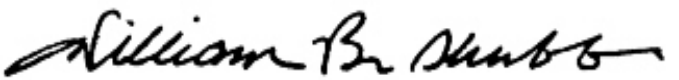
12 s/Matthew Segal
13 **MATTHEW SEGAL**
Asst. U.S. Attorney

14 **ORDER FINDING EXCLUDABLE TIME**

15 For the reasons set forth in the accompanying stipulation and declaration of counsel filed under seal,
16 the status conference in the above-entitled action is continued to June 15, 2005, at 9:00 a.m. The
17 court finds excludable time in this matter from May 11, 2005 through June 15, 2005, under 18
18 U.S.C. § 3161(h)(8)(B)(iv) and Local Code T4, to allow continuity of counsel and to allow
19 reasonable time necessary for effective presentation. For the reasons stipulated by the parties, the
20 Court finds that the interest of justice served by granting the requested continuance outweigh the best
21 interests of the public and the defendant in a speedy trial. 18 U.S.C. 3161(h)(8)(A), (h)(8)(B)(iv).

22
23 IT IS SO ORDERED.

24 DATE: May 10, 2005

25
26 
27 **WILLIAM B. SHUBB**
28 **UNITED STATES DISTRICT JUDGE**